

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

DEBRA SUE PHILLIPS,

Plaintiff,

v.

// CIVIL ACTION NO. 1;07CV34
(Judge Keeley)

EXPERIAN INFORMATION SOLUTIONS,
INC., EQUIFAX INFORMATION SERVICES,
INC., and TRANS UNION, LLC., DEBRA
LOUISE PHILLIPS,

Defendants.

ORDER GRANTING MOTION FOR LEAVE TO AMEND COMPLAINT

On August 1, 2007, the plaintiff, Debra Sue Phillips ("Phillips"), through her counsel, filed a motion for leave to amend her complaint and to join an additional defendant. As grounds for her motion, Phillips states that, as a result of initial discovery, she wishes to amend her complaint to dismiss her invasion of privacy claims and to more completely set forth her claims under the Fair Credit Reporting Act. She also seeks leave to name Chase Home Finance as a defendant in this action. In addition, Phillips seeks to supplement her complaint with factual allegations that the defendants have continued to report adverse information in her credit report since the filing of her original complaint. The defendants do not oppose Phillips' motion.

"A party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served . . ."

ORDER GRANTING MOTION FOR LEAVE TO AMEND COMPLAINT

Fed. R. Civ. P. 15(a). "Otherwise a party may amend the party's pleading only by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires." Fed. R. Civ. P. 15(a); Foman v. Davis, 371 U.S. 178, 182 (1962) (stating "this mandate is to be heeded"); Edwards v. City of Goldsboro, 178 F.3d 231, 242 (4th Cir. 1999).

Under Federal Rule of Civil Procedure 15(d), a court may permit a party to serve a supplemental pleading setting forth matters which occurred subsequent to the filing of the initial complaint. Franks v. Ross, 313 F.3d 184 (4th Cir. 2002). The standard applied to a motion to supplement under Rule 15(d) is nearly identical to the standard applied to a motion to amend under Rule 15(a) because leave should be freely given unless good reason, such as prejudice to the defendants, exists. Id.

Finding no opposition to the motion, the Court **GRANTS** the motion for leave to amend complaint (dkt no. 41) and **DIRECTS** the Clerk to file Phillips' proposed amended complaint that was attached as an exhibit to her motion.

It is so **ORDERED**.

ORDER GRANTING MOTION FOR LEAVE TO AMEND COMPLAINT

The Clerk is directed to transmit copies of this Order to counsel of record.

DATED: August 13, 2007.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE